

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARTURO JONES JOAQUIN MARTE,	:	Civil No. 3:20-CV-00252
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
OFFICER KYLE OLIVER, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 6<sup>th</sup> day of November, 2020, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED** that Defendants' motion to dismiss, Doc. 15, is **GRANTED IN PART** and **DENIED IN PART** as follows:

- 1) The motion is **DENIED** as to Counts I and II of Plaintiff's amended complaint.
- 2) The motion is **GRANTED WITH LEAVE TO AMEND** as to Count III of Plaintiff's amended complaint.
- 3) Plaintiff shall file a second amended complaint in accordance with this order and the accompanying memorandum within twenty-one days of the date of this order.

- 4) If Plaintiff fails to file a second amended complaint within twenty-one days, Count III of Plaintiff's amended complaint will be **DISMISSED** and Defendants shall file an answer to the amended complaint.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Court Judge  
Middle District of Pennsylvania